

AMENDED IN SENATE APRIL 27, 2005

SENATE BILL

No. 772

Introduced by Senator Ducheny

February 22, 2005

An act to ~~add Part 2.6 (commencing with Section 71105) to Division 34~~ amend Section 42885.5 of the Public Resources Code, relating to the environment.

LEGISLATIVE COUNSEL'S DIGEST

SB 772, as amended, Ducheny. Environment: border region: *waste and used tires.*

The existing California Tire Recycling Act requires the California Integrated Waste Management Board to administer a tire recycling program that promotes and develops alternatives to the landfill disposal of used whole tires. The board is required to adopt and biennially update a 5-year plan to establish goals and priorities for the waste tire program, including specified program elements. The budget for implementation of the act and the funding of the tire recycling program are based upon the 5-year plan.

This bill would additionally require the plan to include specified border region activities, conducted in coordination with the California Environmental Protection Agency, including training programs, environmental education, waste tire abatement, tracking tire flow across the border, and coordination with regard to environmental and control requirements.

~~Under existing law, the money in the California Border Environmental and Public Health Protection Fund is available, upon appropriation, to the Secretary for Environmental Protection for specified purposes regarding the California border region.~~

~~This bill would require the California Environmental Protection Agency to establish a border environmental program, which would be required to include, by January 1, 2007, developing and submitting a report to the Legislature regarding cross-border used and waste tire practices and detailed information on waste tire pile characteristics.~~

~~The bill would require the agency to develop a 5-year California used and waste tire work plan to provide for the remediation of existing waste tire piles located within the border region and to provide for long-term tire fire contingency planning and an emergency response plan, a cross-border used and waste tire tracking system, and the implementation, by January 1, 2010, of a comprehensive English/Spanish training program for waste and used tire haulers.~~

~~The bill would require the California Environmental Protection Agency to establish a 5-year border environmental program that would implement the 5-year used and waste tire work plan and be coordinated and administered by the State Water Resources Control Board-Border Affairs Unit.~~

~~The bill would require any funds from state agencies and public or private organizations for the development and implementation of the program to be deposited into the California Border Environmental Education Fund and would authorize the funds to be appropriated for allocation for expenditure for purposes of the bill.~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.~~

The people of the State of California do enact as follows:

1 SECTION 1. Section 42885.5 of the Public Resources Code is
2 amended to read:

3 42885.5. (a) The board shall adopt a five-year plan, which
4 shall be updated every two years, to establish goals and priorities
5 for the waste tire program and each program element.

6 (b) On or before July 1, 2001, and every two years thereafter,
7 the board shall submit the adopted five-year plan to the
8 appropriate policy and fiscal committees of the Legislature. The
9 board shall include, in the plan, programmatic and fiscal issues
10 including, but not limited to, the hierarchy used by the board to
11 maximize productive uses of waste and used tires and the
12 performance objectives and measurement criteria used by the
13 board to evaluate the success of its waste and used tire recycling

1 program. Additionally, the plan shall describe each program
2 element's effectiveness, based upon performance measures
3 developed by the board, including, but not limited to, the
4 following:

5 (1) Enforcement and regulations relating to the storage of
6 waste and used tires.

7 (2) Cleanup, abatement, or other remedial action related to
8 waste tire stockpiles throughout the state.

9 (3) Research directed at promoting and developing alternatives
10 to the landfill disposal of waste tires.

11 (4) Market development and new technology activities for
12 used tires and waste tires.

13 (5) The waste and used tire hauler program and manifest
14 system.

15 (6) A description of the grants, loans, contracts, and other
16 expenditures proposed to be made by the board under the tire
17 recycling program.

18 (7) Until June 30, 2006, the grant program authorized under
19 Section 42872.5 to encourage the use of rubberized asphalt
20 concrete technology in public works projects.

21 (8) *Border region activities, conducted in coordination with*
22 *the California Environmental Protection Agency, including, but*
23 *not limited to, all of the following:*

24 (A) *Training programs to assist Mexican waste and used tire*
25 *haulers to meet the requirements for hauling those tires in*
26 *California.*

27 (B) *Environmental education training.*

28 (C) *Development of a waste tire abatement plan, with the*
29 *appropriate government entities of California and Mexico.*

30 (D) *Tracking both the legal and illegal waste and used tire*
31 *flow across the border and recommended revisions to the waste*
32 *tire policies of California and Mexico.*

33 (E) *Coordination with businesses operating in the border*
34 *region and with Mexico, with regard to applying the same*
35 *environmental and control requirements throughout the border*
36 *region.*

37 (c) The board shall base the budget for the California Tire
38 Recycling Act and program funding on the plan.

39 (d) The plan may not propose financial or other support that
40 promotes, or provides for research for the incineration of tires.

1 ~~SECTION 1. Part 2.6 (commencing with Section 71105) is~~
2 ~~added to Division 34 of the Public Resources Code, to read:~~

3
4 ~~PART 2.6. FIVE-YEAR BORDER ENVIRONMENTAL~~
5 ~~PROGRAM~~

6
7 ~~CHAPTER 1. GENERAL PROVISIONS~~

8
9 ~~71105. It is the intent of the Legislature to strongly~~
10 ~~encourage all state agencies engaged in matters involving the~~
11 ~~California-Mexico border to give full and proper support to the~~
12 ~~development and implementation of a five-year used and waste~~
13 ~~tire work plan for the California-Baja California border region.~~

14
15 ~~CHAPTER 2. DEFINITIONS~~

16
17 ~~71106. For purposes of this part, the following definitions~~
18 ~~shall apply:~~

19 ~~(a) "Border region" has the same meaning as "California-Baja~~
20 ~~California border region," as defined in Section 71100.~~

21 ~~(b) "Five-year border environmental program" means a~~
22 ~~program created by the California Environmental Protection~~
23 ~~Agency pursuant to this part to implement the five-year used and~~
24 ~~waste tire work plan for the border region.~~

25 ~~(c) "Five-year border used and waste tire work plan" means a~~
26 ~~border-specific work plan developed by the California~~
27 ~~Environmental Protection Agency pursuant to this part.~~

28 ~~(d) "Waste tire" and "used tire" have the same meaning as~~
29 ~~defined in Section 42950.~~

30
31 ~~CHAPTER 3. ESTABLISHMENT AND FUNCTIONS OF THE BORDER~~
32 ~~ENVIRONMENTAL PROGRAM~~

33
34 ~~71107. The California Environmental Protection Agency~~
35 ~~shall establish a border region environmental program, that shall~~
36 ~~include, all of the following:~~

37 ~~(a) On or before January 1, 2007, develop and submit a report~~
38 ~~to the Legislature that includes the best scientific resource-based~~
39 ~~information regarding cross-border used and waste tire practices~~

1 ~~and detailed information on waste tire pile characteristics. The~~
2 ~~report shall also do all of the following:~~

- 3 ~~(1) Verify waste tire quantity and composition.~~
- 4 ~~(2) Identify end-use facilities and capacities for disposal,~~
5 ~~recycling, energy, engineered fill of waste tires, solid waste, and~~
6 ~~possible hazardous wastes.~~
- 7 ~~(3) Identify permits and procedures needed to perform~~
8 ~~necessary cleanup work.~~
- 9 ~~(4) Describe recommended cleanup alternatives.~~
- 10 ~~(5) Establish cleanup schedules.~~

11 ~~(b) Develop a five-year California used and waste tire work~~
12 ~~plan using the best scientific and resource-based information~~
13 ~~regarding the border area. The plan shall suggest binational~~
14 ~~circumstances and key steps toward environmental sustainability.~~
15 ~~The work plan shall provide for the remediation of existing waste~~
16 ~~tire piles located within the border region and shall include all of~~
17 ~~the following:~~

- 18 ~~(1) A long-term tire fire contingency planning and emergency~~
19 ~~response plan.~~
- 20 ~~(2) A cross-border used and waste tire tracking system to~~
21 ~~prevent illegal waste tire dumping within the border region.~~
- 22 ~~(3) The contents, goals and objectives, and implementation~~
23 ~~schedules, by January 1, 2010, of a comprehensive~~
24 ~~English/Spanish training program for waste and used tire haulers.~~
- 25 ~~(c) Establish a five-year border environmental program, that~~
26 ~~shall be coordinated and administered by the State Water~~
27 ~~Resource Control Board-Border Affairs Unit.~~

28 ~~70012. All funds from state agencies and public or private~~
29 ~~organizations for the development and implementation of the~~
30 ~~five-year border environmental program pursuant to this part~~
31 ~~shall be deposited into the California Border Environmental~~
32 ~~Education Fund established pursuant to Section 71101 and,~~
33 ~~notwithstanding Section 71101, may be appropriated by the~~
34 ~~Legislature for allocation for expenditure for purpose of this part.~~